

**Access to Justice Commission
Standing Committee on Self-Represented Litigants
Meeting via teleconference
May 9, 2017 noon-1pm**

1. Roll Call

In Attendance: Abby Brown, co-chair, attorney in water litigation; Anne Goldes-Sheehan, co-chair, Montana State Bar Equal Justice Coordinator; Nolan Harris, court help administrator; Holly Frederickson, Liberty County Justice of the Peace, training judge for court of limited jurisdiction; Rick Cook, Choteau County; Judge Carter, JP Yellowstone County and Access to Justice Commission member; Ed Higgins, triage attorney for MLSA

2. Approval of Feb 28 2017 Meeting Minutes

http://courts.mt.gov/supreme/boards/self_represented_litigants/minutes

Abby calls for corrections and approval of minutes. Ed notes that under item 4c, there is part of a sentence missing, but doesn't recall what the rest of the sentence was. Ann will resend corrected minutes after call. Ann asks if we can approve minutes with proposed amendment. Ed moves and Holly seconds. Approval with proposed change passes unanimously.

3. Public Comment and Non-Agenda Items

Abby calls for public comment and any non-agenda items. Nolan asks where the committee information and minutes are posted online for the public. Ann says that the minutes, agendas, strategic plan, and members are on the Supreme Court ATJC website under the tab for the SRLC.

Abby notes one item not on the agenda. Abby notes that Erin Farris-Olsen is no longer on the committee due to other commitments, but wants to thank her for all her work on the committee.

4. Updates

A. Forms Subcommittee (Ed)

Ed reports that the forms subcommittee has kept moving and has been working on fixing small items. He reports that the automated version of the law forms are available. Nolan has designed surveys (online and paper) versions to get feedback. Legal Services is developing an automated easier-to-use form, but it is still in the testing phase. The committee is currently working on developing forms from the list of needed forms that Nolan developed. Ed opens discussion to questions about forms.

Holly says that she is currently working on the judge's benchbook and would like to know if Ed would like access to benchbook for work on the forms. Holly will email all the information to Ed.

Abby asks Ed to give short summary of family law forms for the benefit of new members and past work on the forms. Ed reports that about 13 years ago, the then-Supreme Court Commission on SLR came up with a set of forms that were exhaustive, but difficult to use. Different judicial districts changed them, which created discrepancies. About 3-4 years ago, Erin Farris, Ed, and others did a wholesale revision of these forms. The forms have been piloted in a district in Bozeman. The committee has worked with MLSA to complete a pilot process and to revise as necessary. The revision process also attempted to make the forms easier to use for court users, judges, etc. The forms have also been labeled so everyone using the forms is on the same page about which documents are which. The forms have been automated, are in the pilot process, and will hopefully be available for general use soon.

B. Education and Outreach (Nolan)

Abby calls for update from Nolan. Nolan reports that they subcommittee is working to put together a training video and to test the effectiveness of videos. Nolan will work with Law Librarian to revisit education for clerks and are considering a training video, which could be used to train people on the differences between legal advice and legal information.

Nolan is also working on the website. The soft-launch is to provide librarians with training on how to locate legal resources. The goal of this project is to try to make a push for libraries to be housing spaces for legal resources. Sub-committee is putting together educational materials for helping libraries understand where legal resources are located and how to find them in order to help pro se litigants.

Nolan reports that the subcommittee is waiting on more direction from the larger committee.

C. Fee Waiver Form (Randy)

In Randy's absence, Abby says that she and Ann will find out the status of the fee waiver form and will update the committee.

Abby calls for any other updates. Hearing none, Abby moves to next agenda item.

5. 2017 agenda setting and review of discussion with Justice Baker

Abby reports that she and Ann met with Justice Baker to review how the committee could best achieve the objectives of the committee within the scope of priorities for the Commission.

Ann says that part of the purpose of the meeting with Justice Baker was to ensure the activities of the committee aligned with priorities of the Commission. This conversation highlighted the need to revisit the Standing Committee Assignments document created early on in the Commission's history. Ann directs committee to page 2 of this document for SRLC. In the conversation with Justice Baker, the items that were highlighted as priorities were: 1) to create a process for reviewing forms and ensuring that they are all housed appropriately on the website, 2) to help court help program prioritize forms, and 3) clerk and judge training, especially with courts of limited jurisdiction.

Access to Justice Commission Committee Assignments:

<http://courts.mt.gov/portals/113/supreme/boards/a2j/docs/sc-assignments.pdf>

Abby notes that the forms subcommittee has largely done the work of the SRLC. One of the questions for Justice Baker was how could the entire committee serve the state and Commission, especially since individual forms require intensive labor. Taking these points into consideration, Abby suggests focusing more on developing a process for revising, approving, and housing forms in order to be more efficient.

Ann notes that in the meeting with Justice Baker, she and Abby reviewed the committee roster in order to fill gaps in expertise. In addition to the recently joined members, the committee also would like to have a law librarian (possibly Damon Martin) on the committee as well as possibly asking another court help administrator to be part of the committee. The committee needs to do outreach to talk to these people. Ann calls for discussion of these possible new committee members. Nolan suggests Linda Frank, the Kalispell Self Help Law Center Facilitator. Nolan will check with Linda to see if she would be willing prior to contact from the committee. Ann and Abby will follow up on this suggestion once they hear from Nolan.

Ann directs committee to ATJC Committee Assignment sheets as a basis for discussion on developing the direction of the committee moving forward.

In addition to the points listed in the Committee Assignment document, Holly also identifies a need to differentiate and possibly give trainings between prohibitions against giving legal advice and not providing help or information. This distinction could be more clearly identified and the committee could also do more education on this point. Nolan echoes Holly's concerns and says that this is a big challenge in the help centers.

Ann says that the committee members could identify which areas (forms or education and outreach) they'd like to focus on. The subcommittees could then independently develop priorities and bring these ideas to the committee to help set SRLC strategic plan for the coming year and identify how these strategies fit in with the overall goals of the Commission.

Abby emphasizes the need for the education and outreach subcommittee to focus on legal education versus legal advice. She also emphasizes the need for the forms subcommittee to focus

on developing a *process* for forms rather than the committee developing and revising individual forms. Abby notes that a prior concern with forms has been whether the committee will approve the forms, but she suggests that the committee doesn't necessarily need to approve forms. The subcommittee should focus instead more on developing a process for forms and a uniform system for housing the forms. Ed says that he is in support of the idea of developing a process. Nolan asks if the committee should work on developing this process now. Abby responds that this will be a larger conversation and some of the major work of the forms subcommittee in the coming year.

Nolan says that he is more comfortable with the administration of the forms, as opposed to drafting the forms.

Abby suggests Action items:

1. Each committee member will decide if he/she wants to focus on forms (process) or education and outreach subcommittees.
2. Subcommittees to meet before next all-committee meeting in next quarter.
 - a. Forms subcommittee is meeting tomorrow (5/10/17)
 - b. Education and outreach will schedule a time

6. New Business

Committee did not discuss new business.

7. Next Meeting Date

- A. 2017 A2J Commission Meetings: June 9th; Sept. 8th; Dec. 8th
- B. Our next meeting date

Ann and Abby will send out minutes and a survey of what subcommittee each person would like to be on. Nolan suggests a Doodle poll for scheduling the next SRLC meeting, which Abby notes is typically about one month prior to the next ATJC meeting. Ann will send out a scheduler for the first week of August.

8. Adjourn

Ann calls for motion to adjourn. Rich so moves. Nolan seconds. Ann calls meeting adjourned.